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January 24, 2000

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DCORBETT@LSL-LAW.COM**VIA HAND DELIVERY**Ms. Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554Re: MM Docket No. 99-325

Dear Ms. Salas:

On behalf of K-W, TV Inc., licensee of television station WBNE, New Haven, Connecticut, I am transmitting herewith an original and 11 copies of its Comments in the above-referenced proceeding. In addition, by copy of this letter, I am submitting the Comments on a 3.5 inch formatted, read only diskette to William J. Scher (FCC) and to the Commission's copy contractor, International Transcription Services.

Should there be any questions concerning this matter, please contact the undersigned.

Very truly yours,



Dennis P. Corbett

DPC:kbs

Enclosures

cc (w/enclosed diskette): William J. Scher

International Transcription Services

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ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

JAN 24 2000

In the Matter of)
)
Digital Audio Broadcasting Systems)
And Their Impact On the Terrestrial Radio)
Broadcast Service.)

MM Docket No. 99-325

COMMENTS OF K-W TV, INC.

K-W TV, Inc., licensee of station WBNE-TV (NTSC Ch. 59/DTV Ch. 6) in New Haven, Connecticut ("WBNE"), submits these comments on the Commission's Notice of Proposed Rule Making in the above-captioned docket, released November 1, 1999 (the "Notice").¹ In addition to filing these comments, WBNE has joined the comments filed today by a group of Channel 6 stations and the Association for Maximum Service Television ("MSTV") (collectively, "Joint Broadcasters"). WBNE fully supports the comments submitted by Joint Broadcasters, but is filing separately to emphasize the particular harm that the reallocation of Channel 6 for digital audio broadcasting ("DAB")² would have on WBNE, as the only television station with a Channel 6 DTV allotment/assignment, as well as on other television broadcasters and their viewers in particularly spectrum congested regions of the country. The reallocation of Channel 6 to DAB would result in the displacement of 60 full power and 172 low power stations,

¹ *Digital Audio Broadcasting Systems And Their Impact On The Terrestrial Radio Broadcast Service*, Notice of Proposed Rule Making, MM Docket No. 99-325 (rel. Nov. 1, 1999).

² In the *Notice*, the Commission proposes two potential models for implementing DAB. The first is the In-Band, On-Channel ("IBOC") model, whereby simultaneous broadcast of analog and digital signals in the AM and FM bands occurs without disrupting existing analog service. The second is the new spectrum model, in which the Commission would take the 6 MHz of spectrum currently assigned to television broadcast Channel 6 and reallocate it for DAB.

would be disruptive to the viewing public, and would impair the Commission's ability to use already limited spectrum resources to accommodate stations with out-of-core DTV channels and to improve the DTV Table of Allotments ("DTV Table") at the end of the transition. For these reasons, the Commission should stand by its considered decision to retain Channel 6 in the core DTV spectrum and adopt a spectrum efficient approach to DAB that would not impair the television broadcast service.

I. CHANNEL 6 IS AN ESSENTIAL SPECTRUM RESOURCE FOR ENSURING THE SUCCESSFUL ROLL-OUT OF DTV BY WBNE AND OTHER TELEVISION STATIONS IN SPECTRUM CONGESTED REGIONS OF THE COUNTRY.

Even apart from the Channel 6 reallocation proposal, WBNE faces unique challenges in navigating the DTV transition and providing robust digital service to its viewers. The reallocation of Channel 6 for a new DAB service would only worsen an already delicate and complicated situation, leaving WBNE without a secure DTV channel in a region where frequency congestion already has impaired the provision of DTV services to the public. WBNE is located in the Northeast region of the United States – one of the most severely spectrum congested parts of the country. After the Commission released its initial DTV Table in the *Sixth Report and Order* in the DTV proceeding,³ MSTV and a number of other broadcasters filed an *ex parte* submission identifying the Northeast region as one of three "Acute Problem Areas" – where severe spectrum scarcity resulted in DTV allotments/assignments that poorly replicated stations' existing service.⁴ The *ex parte* submission proposed an alternative DTV Table that

³ See *Advanced Television Systems And Their Impact Upon The Existing Television Broadcast Service*, Sixth Report and Order, MM Docket No. 87-268, 12 FCC Rcd. 14588 (1997) ("*Sixth R&O*"), at Appendix B.

⁴ The three Acute Problem Areas identified in the *ex parte* submission were the Northeast region, the Great Lakes region, and the Southern California region. See *Ex Parte Submission Based On* (continued...)

would have improved replication in these Acute Problem Areas, but only by making certain channel changes and proposing the allotment/assignment of a modest number of additional channels outside of the DTV core spectrum. For a number of reasons, such as the preservation of existing low power television service and the reluctance to increase the number of out-of-core DTV assignments, the Commission generally declined to adopt the "fixes" proposed by MSTV.⁵ As a result, stations located in the Acute Problem Areas continue to have lower replication rates than stations in other areas, and face increased interference obstacles in providing DTV service to the public. The advent of the new Class A television service promises to increase this congestion, further hampering stations' ability to maximize their service areas, and complicating any future adjustments to the DTV Table. *Given this background, the need for television spectrum has never been greater.* The Commission needs to safeguard its existing spectrum resources – including Channel 6 – if it hopes to preserve and improve the television service provided to the public during and after the DTV transition.

The high concentration of television stations in the Northeast made it extremely difficult to find suitable DTV allotments/assignments for all of the existing television stations in the region. In creating the DTV Table, the Commission endeavored to avoid use of Channel 6 to the extent possible, citing potential interference with noncommercial FM stations and stating that

New Technical Discoveries To Help The Commission Improve The DTV Table Of Allotments/Assignments Submitted By The Association For Maximum Service Television, Inc. And Other Broadcasters, MM Docket No. 87-268 (Nov. 20, 1997) ("*MSTV Improvements*").

⁵ Instead of making the 357 channel changes proposed by MSTV, the Commission on reconsideration made 42 allotment/assignment changes, tightened its emissions mask, and took other steps aimed at accommodating the "dynamic process" of implementing DTV. The Commission stated that it would continue to monitor the interference situations resulting from its DTV Table. *See Advanced Television Systems And Their Impact Upon The Existing Television Broadcast Service*, Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order, MM Docket No. 87-268, 13 FCC Rcd. 7418, 7453-7457 (1998) ("*Sixth MO&O*").

Channel 6 DTV allotments would be made "only where there is no other readily available allotment opportunity that would provide for adequate replication of an existing station's service area."⁶ Nonetheless, the Commission assigned Channel 6 to WBNE, demonstrating the extreme shortage of television channels in the region, and the unavailability of alternative suitable DTV channels for WBNE. Although WBNE's Channel 6 allotment/assignment is far from ideal, it at least assures WBNE an in-core channel on which to operate after it returns its out-of-core analog channel at the end of the transition.

Like other television stations in this region and in other Acute Problem Areas, WBNE's Channel 6 DTV allotment/assignment suffers from unusually low replication and significant interference problems resulting from short-spacings to nearby stations. While more than 93% of stations around the country have DTV allotments/assignments that replicate at least 95% of their analog service areas, WBNE's Channel 6 DTV allotment/assignment provides only 85.9% replication of the station's existing service area.⁷ Moreover, because WBNE's losses are larger than all but one other station in its market, this start-up WB affiliate will suffer a further competitive disadvantage.⁸

WBNE faces significant interference challenges in providing its DTV service. As a Channel 6 DTV station, it must contend with potential interference from noncommercial FM stations in the area. Moreover, WBNE's DTV Channel 6 is severely short-spaced to a co-channel

⁶ See attached Technical Exhibit Prepared In Support Of The Comments Of K-W TV, Inc. In The Notice Of Proposed Rule Making In MM Docket No. 99-325, prepared by W. Jeffrey Reynolds of du Treil, Lundin & Rackley, Inc. ("Engineering Statement"), at 2; Sixth R&O at 14657.

⁷ In the Sixth R&O, the Commission reported that more than 93% of television stations received a DTV allotment/assignment that provides at least 95% replication and 50% of stations received allotments/assignments that provide 100% replication. See Sixth R&O at 14681; Engineering Statement at 2.

⁸ Engineering Statement at 3.

analog station in New Bedford, Massachusetts.⁹ Despite these drawbacks, however, Channel 6 currently represents the best available DTV channel for WBNE. Because WBNE has an out-of-core analog allotment/assignment (Channel 59), it is particularly crucial that Channel 6 remain within the DTV core to assure that WBNE has a home – albeit an imperfect one – after the transition to DTV. The Commission's statement in the *Notice* that it "*believe[s]* that in the process of identifying final DTV channels for existing broadcasters in the post-transition period, it will be possible to identify a new channel for this station" provides little comfort to WBNE as it contemplates a future without a DTV channel.¹⁰ Indeed, the Commission's ability to find a superior channel for WBNE – a channel that will permit WBNE to replicate and perhaps maximize the service it currently provides to the public – depends on the availability of sufficient spectrum resources at the end of the transition. The reallocation of Channel 6 to DAB – a service that can be initiated without diminishing the television spectrum – would prematurely and unnecessarily cripple the Commission's ability to make necessary adjustments to the DTV Table at the end of the transition and optimize the DTV service provided to the public.

II. THE REALLOCATION OF CHANNEL 6 TO DAB WOULD UNDULY COMPROMISE THE PROVISION OF TELEVISION SERVICE TO THE PUBLIC.

As noted above, WBNE's Channel 6 allotment/assignment suffers from a number of significant drawbacks that impose particular burdens on the station as it initiates its digital service. These drawbacks result primarily from the frequency congestion and other fact-specific circumstances surrounding WBNE – *not* from any inherent deficiency in Channel 6 spectrum for television use. In the DTV proceeding, the Commission carefully considered whether to retain

⁹ See *id.* at Figure 1.

¹⁰ See *Notice* at n.92 (emphasis added).

Channel 6 in the DTV core spectrum. After weighing the arguments presented in initial comments and replies and on reconsideration by parties on both sides of the issue, the Commission concluded in the DTV proceeding: "We continue to believe that it is important to maintain the availability of channel 6 for television service."¹¹ The Commission reasoned that "Channel 6 has advantageous propagation properties and has proven very desirable for television operation – as indicated by the fact that there are currently more than 55 NTSC television stations on this channel. *We believe it would be undesirable to remove channel 6 from the core spectrum or to impose additional restrictions on use of this channel for DTV service after the transition.*"¹²

The Commission also noted that "postponing a decision on the low-VHF channels has raised uncertainties for licensees whose existing and/or DTV channels are in that portion of the spectrum" and that "these uncertainties can make planning for DTV service more difficult and burdensome."¹³ Through the proposal to use Channel 6 for DAB service, the Commission has reintroduced this uncertainty – not only for WBNE, but also for the 59 television stations that provide analog service on Channel 6 across the country.¹⁴ The reallocation of Channel 6 to DAB would preclude these stations from returning to Channel 6 at the end of the transition, and would

¹¹ See *Advanced Television Systems And Their Impact Upon The Existing Television Broadcast Service*, Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders, MM Docket No. 87-268, 14 FCC Rcd. 1348, 1374 (1998); *Engineering Statement* at 4.

¹² See *id.* In its earlier decision in the *Sixth MO&O*, the Commission stated that "there is no engineering evidence available at this time to indicate that these channels are unsuitable for DTV operation and such channels offer desirable propagation characteristics for television service. We therefore recognize the benefits of including these channels in the core spectrum." See *Sixth MO&O*, at 7435-36; *Engineering Statement* at 3.

¹³ See *id.*

¹⁴ See *Engineering Statement* at 4, Figure 1.

leave the 12 Channel 6 stations with out-of-core DTV allotments/assignments without an ultimate home for their DTV service.¹⁵ Moreover, it would impair the Commission's efforts to improve the DTV Table at the end of the transition to allow the public to fully enjoy the benefits of DTV service.

Once the transition is complete and the DTV Table adjusted to accommodate out-of-core licensees and other stations with unsuitable DTV allotments, WBNE's Channel 6 allotment/assignment may be the least damaging location for its DTV service. Alternatively, the Commission's ability to assign Channel 6 to other stations in the region may provide it with the flexibility to assign WBNE a channel that will permit improved service to the public. By contrast, the removal of Channel 6 from the DTV spectrum would leave WBNE's future uncertain, jeopardizing the community's access to its digital offerings. More generally, the reallocation of Channel 6 would result in increased spectrum congestion, the impact of which would ripple across the region.

The reallocation of Channel 6 to DAB also would displace 172 low power stations¹⁶ – some of whom may be entitled to Class A status under the Community Broadcasters Protection Act of 1999, and thus given some measure of displacement protection. Indeed, the Commission's decision to retain Channels 2 through 6 in the television core spectrum was supported, in part, by its desire to preserve low power operations. The Commission explained that "[t]he low VHF channels . . . have some of the highest concentration of low power stations.

¹⁵ *Id.* Similarly, the two Channel 6 stations without paired DTV allotments – KBNY in Ely, Nevada and KBCJ in Vernal, Utah – would be precluded from providing DTV service on their Channel 6 allotments, as contemplated by the Commission. *See id.* at Figure 1.

¹⁶ At present, there are 172 low power stations on Channel 6 – 169 are licensed and constructed, and three hold construction permits but are not yet built. *See Engineering Statement* at 4, Figure 2.

Expanding the core to include channels 2-6 would eliminate the eventual displacement of most of these stations."¹⁷ The Commission also noted that expanding the core would "provide low power stations with more channels and opportunities for new stations and relocation of existing stations."¹⁸ The reallocation of Channel 6 to DAB would thwart these objectives.¹⁹

In short, the reallocation of Channel 6 to DAB would impose heavy costs on our existing and future television broadcast service and the public benefits that flow from it. The removal of Channel 6 from the television spectrum would compromise the public interest goals Congress and the Commission have established with respect to our free, over-the-air television service – namely, the successful transition to digital television service, including the re-packing of the DTV Table at the end of the transition and the auction of recaptured analog spectrum, the establishment of a Class A television service and, to the extent consistent with the DTV transition, the preservation of low power television stations. These goals should not be sacrificed for DAB – a service that can be accommodated either through the spectrum efficient IBOC model or through the reallocation of spectrum outside of the television band.²⁰

* * * *

In the *Notice*, the Commission states that it wishes "to foster a rapid and non-disruptive transition to DAB for broadcasters and listeners."²¹ The reallocation of Channel 6 for

¹⁷ See *Sixth MO&O* at 7436; *Engineering Statement* at 5.

¹⁸ *Id.*

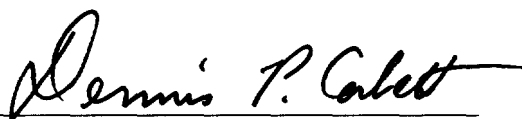
¹⁹ Interestingly, neither the body of the *Notice* nor its Initial Regulatory Flexibility Analysis discusses the impact the reallocation of Channel 6 to DAB would have on low power television services.

²⁰ See *Engineering Statement* at 5-6 (noting that there currently is 202 MHz of spectrum remaining in frequency bands that were made available under Commission and congressionally-mandated spectrum recovery efforts).

²¹ *Notice* at ¶ 18.

DAB would be highly disruptive to hundreds of full power and low power stations – both those currently licensed on Channel 6 and those who will be adversely impacted by the further constriction of the television spectrum – and to the public that benefits from the free, over-the-air television service provided by these stations. The Commission should stand by its reasoned decision to retain Channel 6 in the core television spectrum, and refrain from reducing the already limited spectrum resources available for DTV, Class A, and low power television services. Moreover, the Commission must be mindful of the need to adjust the DTV Table at the end of the transition to accommodate out-of-core stations and ameliorate the service limitations, service losses and interference problems that result from severe short-spacings and other compromises that were made to develop a DTV Table within a diminished and congested television spectrum band.

Respectfully Submitted,

A handwritten signature in black ink, reading "Dennis P. Corbett". The signature is fluid and cursive, with a horizontal line drawn underneath it.

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Counsel for K-W TV, Inc.

January 24, 2000

TECHNICAL EXHIBIT
PREPARED IN SUPPORT OF THE COMMENTS OF
K-W TV, INC.
IN THE NOTICED OF PROPOSED RULE MAKING IN
MM DOCKET NO. 99-325

Technical Narrative

This Technical Exhibit supports the comments of K-W TV, Inc. in the Notice of Proposed Rule Making in MM Docket No. 99-325 (DAB Notice). In the DAB Notice, the Federal Communications Commission (FCC) is considering alternative approaches to the introduction of Digital Audio Broadcasting (DAB) Systems and their impact on the terrestrial radio broadcast service. K-W TV, Inc. is the licensee of TV station WBNE at New Haven, Connecticut which was allotted channel 6 for its DTV allotment. These comments specifically address the proposal in the DAB Notice to reallocate the six megahertz of spectrum at 82-88 MHz, currently used for TV channel 6, to DAB service at the end of the DTV transition. K-W TV, Inc. opposes the reallocation of TV channel 6 to DAB, and suggests the spectrum at 698-746 MHz as a possible alternative.

Station WBNE is presently licensed (BLCT-960918KE) to operate on NTSC channel 59 with a nondirectional antenna maximum effective radiated power (ERP) of 5000 kilowatts and a antenna radiation center height above average terrain (HAAT) of 314 meters. The FCC assigned channel 6 as WBNE's DTV allotment in the Second Memorandum, Opinion and Order concerning reconsideration of the 6th Report and Order in MM Docket No. 87-268 (DTV 2nd MO&O). Station WBNE has filed an application to implement its operation on DTV channel 6 from its licensed NTSC channel 59 site location with a directional DTV antenna system maximum ERP of 2.1 kW and an HAAT of 333 meters (BPCDT-991026BL).

Opposition to Reallocation of TV Channel 6 to DAB

As the FCC noted in paragraph 44 and footnote 92 of the DAB Notice, the DTV Table of Allotments includes only one Channel 6 allotment, namely, WBNE's DTV channel 6 allotment at New Haven. In addition, WBNE's current NTSC allotment,

channel 59, is located outside the TV core (channels 2-51). Therefore, at the end of the DTV transition, WBNE could not elect to keep its existing NTSC channel. Thus, reallocation of TV channel 6 for DAB would adversely effect WBNE as it would be required to implement a second DTV operation on a different channel, with concomitant costs, should one become available.

Station WBNE is located in the frequency congested Hartford and New Haven TV Market. This is illustrated by the fact that at paragraph 148 of the 6th Report and Order in MM Docket No. 87-268 (DTV 6th R&O), the FCC stated that "to avoid possible interference either to or from FM radio service, we also proposed to make DTV allotments to TV channel 6 only where there is no other readily available allotment opportunity that would provide for adequate replication (emphasis added) of an existing station's service area." Furthermore, in the Memorandum Opinion and Order on Reconsideration of the 6th Report and Order in MM Docket No. 87-268 (DTV MO&O), at paragraph 45, the FCC stated that the use of TV channel 6 for DTV was avoided "wherever possible" to minimize the potential for interference between DTV and FM radio service. The FCC further stated that "there is only one channel 6 allotment in the initial DTV Table" (WBNE).

The FCC stated at paragraph 206 of the DTV 6th R&O that "during the transition period, over 50% of all existing broadcasters would receive a DTV allotment that fully replicates their existing service area; and more the 93% would receive an allotment that replicates at least 95% of their existing service area." However, as the following table illustrates, the majority of the TV stations in the Hartford and New Haven TV Market have DTV allotments which replicate less than 95% of their current service areas, and WBNE's channel 6 DTV allotment will only provide 85.9% replication.¹ This further illustrates the frequency congested nature of the Hartford and New Haven TV Market.

¹ The tabulated information was obtained from the DTV Table of Allotments (Appendix B) of the DTV 2nd MO&O.

Station	NTSC Channel	DTV Channel	DTV/NTSC Area Match (%)
WBNE, New Haven, CT	59	6	85.9
WFSB, Hartford, CT	3	33	85.9
WHCT-TV, Hartford, CT	18	46	90.1
WEDH, Hartford, CT	24	32	98.6
WTIC-TV, Hartford, CT	61	5	86.5
WVIT, New Britain, CT	30	35	96.1
WTNH, New Haven, CT	8	10	90.0
WEDY, New Haven, CT	65	39	100.0
WHPX, New London, CT	26	34	99.4
WEDN, Norwich, CT	53	45	97.5
WTXX, Waterbury, CT	20	12	92.9

In the DTV proceeding, the FCC considered, and ultimately rejected, the elimination of TV channel 2-6 from the "core" spectrum (channels 2-51). In considering the elimination of channels 2-6 from the core, the FCC noted at paragraph 82 of the DTV 6th R&O that "TV operations on the lower VHF channels 2-6 are subject to a number of technical penalties, including higher ambient noise levels due to leaky power lines, vehicle ignition systems, and other impulse noise sources and interference to and from FM radio service." However, the FCC also stated that "the lower VHF channels 2-6 offer unique technical characteristics for broadcasting, particularly with regard to propagation." Finally, the FCC stated that "there are propagation limitations for TV service on higher UHF channels."

Subsequently, in the DTV MO&O at paragraph 41, the FCC stated that "there is no engineering evidence available at this time to indicate that these channels are unsuitable for DTV operation and such channels offer desirable propagation characteristics for television service. We therefore recognize the benefits of including these channels in the core spectrum." The FCC further stated that "postponing a decision on the low-VHF channels has raised uncertainties for licensees whose existing and/or DTV channels are in that portion of the spectrum" and "we further understand that these uncertainties can make planning for DTV service more difficult and burdensome." The FCC concluded that "we now believe that the most desirable course of action is to expand the core to include all channels 2-51."

Furthermore, in the DTV 2nd MO&O at paragraph 57, the FCC stated that "We continue to believe that it is important to maintain the availability of channel 6 for television service. Channel 6 has advantageous propagation properties and has proven very desirable for television operation - as indicated by the fact that there are currently more than 55 NTSC television stations on this channel. We believe that it would be undesirable to remove channel 6 from the core spectrum or to impose additional restrictions on use of this channel for DTV service after the transition."

Figure 1 is a tabulation of all known, authorized NTSC channel 6 stations based on the latest TV database (12/30/99). Also shown is the DTV allotment for each station. Stations which received a DTV allotment outside the core (channels 2-51) are shown in boldface. As indicated on Sheet 2 of Figure 1, there are a total of 59 NTSC channel 6 stations and 12 of these received DTV allotments outside the core (21% of total). Those stations which received a DTV allotment outside the core are in the same position as WBNE, that is, they would be adversely effected by the reallocation of TV channel 6 for DAB as they would be required to implement a second DTV operation on a different channel, with concomitant costs, should one become available.

Figure 2 is a tabulation of all known, authorized channel 6 LPTV stations based on the latest TV database. As indicated on Sheet 4 of Figure 2, there are 172 LPTV stations operating on channel 6. Of these, 169 are licensed and 3 are authorized (CP), but unbuilt. These stations would be adversely effected by the reallocation of TV channel 6 for DAB as they would be forced to seek another channel in which to operate, with concomitant costs, should one be available. If another channel is not available, they would have to cease operation.

The FCC noted at paragraph 43 of the DTV MO&O that the expansion of the core band to include channels 2-6 "will also reduce the impact on low power operations. In this regard, channels 2-6 and 47-51 now support a significant

number of low power and TV translators. The low VHF channels for example, have some of the highest concentration of low power stations. Expanding the core to include channels 2-6 would eliminate the eventual displacement of most of these stations. In addition, expanding the core will also provide low power stations with more channels and opportunities for new stations and relocation of existing stations." Obviously, reallocation of TV channel 6 for DAB would have the opposite effect on LPTV from that cited by the FCC in paragraph 43 of the DTV MO&O.

Station WBNE's DTV channel 6 allotment will result in the displacement of only 2 LPTV stations operating on channel 6.² As WBNE is the only channel 6 DTV allotment, it is not expected that a significant number of the other channel 6 LPTV stations will be adversely impacted. Therefore, based on the recent creation by Congress of a "protected" Class A LPTV station, which requires that the LPTV station operate in the core band (channel 2-51), it is expected that many of the LPTV stations tabulated on Figure 2 will seek Class A status.³ Reallocation of TV channel 6 for DAB could prevent many of the LPTV stations tabulated on Figure 2 from obtaining Class A status.

Potential Alternate Spectrum for DAB

In the DAB Notice, the FCC requested information concerning the potential availability of other frequency bands that might be used for DAB. In this regard, it is noted that the FCC has undertaken the reallocation of significant amounts of spectrum from existing non-Government and Government uses to new technology services under its 1992 Emerging Technologies proceeding, ET Docket 92-9, and under two statutory directives - the 1993 Omnibus Budget Reconciliation

² WMLD-LP, Ch. 6, Hartford, CT and W06BP, Ch. 6, New Haven, CT.

³ Congress enacted the "Community Broadcasters Protection Act of 1999" (CBPA), as part of the new budget bill, which created a new Class A license for qualifying LPTV stations (not translator stations). The Class A license will generally be subject to the same license terms and renewal standards as licenses for full-power stations, and will afford Class A licensees "primary" status. As required by the CPBA, the FCC has issued an Order and Notice of Proposed Rule Making in MM Docket No. 00-10 to prescribe regulations establishing a Class A television license available to licensees of qualifying LPTV stations.

Act (1993 Budget Act) and the 1997 Balanced Budget Act (1997 Budget Act).⁴ There is currently 202 megahertz (MHz) of spectrum remaining from the frequency bands that were made available under the spectrum recovery efforts discussed above. Much of the spectrum is below 3 GHz. Of the available spectrum, 162 megahertz is in 12 frequency bands: 216-220 MHz (4 MHz), 698-746 MHz (48 MHz), 1390-1395 MHz (5 MHz), 1427-1429 MHz (2 MHz), 1432-1435 MHz (3 MHz), 1670-1675 MHz (5 MHz), 1710-1755 MHz (45 MHz), 2160-2165 MHz (5 MHz), 2300-2305 MHz (5 MHz), 2385-2390 MHz (5 MHz), 2400-2402 MHz (2 MHz), and 2417-2450 MHz (33 MHz). Consideration should be given to a DAB allocation in one of these bands. It is noted that the 698-746 MHz band, with 48 MHz potentially available, is now used by TV (channels 52-59) and will become available at the end of the DTV transition as would channel 6.

W. Jeffrey Reynolds

W. Jeffrey Reynolds

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January 14, 2000

⁴ See First Report and Order and Third Notice of Proposed Rule Making in ET Docket No. 92-9; Omnibus Budget Reconciliation Act of 1993 (OBRA-93); and Balanced Budget Act of 1997 (BBA-97). See also Special Reallocation Final Report, NTIA Special Pub. 95-23 (1995); and Spectrum Reallocation Report, NTIA Special Pub. 98-36 (1999).

AUTHORIZED FULL-SERVICE NTSC CH 6 STATIONS

<i>Call</i>	NTSC <i>Channel</i>	DTV <i>Channel</i>	<i>City</i>	<i>State</i>
WBRCTV	6	50	BIRMINGHAM	AL
KEMV	6	35	MOUNTAIN VIEW	AR
KMOHTV	6	19	KINGMAN	AZ
KUATTV	6	30	TUCSON	AZ
KVIQ	6	17	EUREKA	CA
KVIE	6	53	SACRAMENTO	CA
KSBY	6	15	SAN LUIS OBISPO	CA
KRMATV	6	18	DENVER	CO
KREZTV	6	15	DURANGO	CO
WTVJ	6	30	MIAMI	FL
WKMGTV	6	58	ORLANDO	FL
WJBF	6	42	AUGUSTA	GA
WCTV	6	52	THOMASVILLE	GA
KLEI	6	25	KAILUA KONA	HI
KWQCTV	6	56	DAVENPORT	IA
KIVI	6	24	NAMPA	ID
KPVI	6	23	POCATELLO	ID
WRTV	6	25	INDIANAPOLIS	IN
KBSDTV	6	5	ENSIGN	KS
WPSDTV	6	32	PADUCAH	KY
WDSU	6	43	NEW ORLEANS	LA
WLNETV	6	49	NEW BEDFORD	MA
WCSH	6	35	PORTLAND	ME
WCML	6	57	ALPENA	MI
WLNSTV	6	59	LANSING	MI
WLUCTV	6	35	MARQUETTE	MI
KAAL	6	33	AUSTIN	MN
KMOSTV	6	15	SEDALIA	MO
WABGTV	6	54	GREENWOOD	MS
KSVI	6	18	BILLINGS	MT
KTVM	6	2	BUTTE	MT
WECT	6	54	WILMINGTON	NC
WDAYTV	6	21	FARGO	ND
KSRE	6	57	MINOT	ND
KWNBTv	6	18	HAYES CENTER	NE
WOWT	6	22	OMAHA	NE
KOCT	6	19	CARLSBAD	NM
KBNY	6	None	ELY	NV
WRGB	6	39	SCHENECTADY	NY
WSYX	6	13	COLUMBUS	OH
KOTV	6	55	TULSA	OK
KOIN	6	40	PORTLAND	OR
WJACTV	6	34	JOHNSTOWN	PA
WPVITV	6	64	PHILADELPHIA	PA
WIPRTV	6	55	SAN JUAN	PR
KPLOTV	6	14	RELIANCE	SD

WATETV	6	26	KNOXVILLE	TN
KFDMTV	6	21	BEAUMONT	TX
KRISTV	6	50	CORPUS CHRISTI	TX
KIDY	6	19	SAN ANGELO	TX
KCENTV	6	50	TEMPLE	TX
KTALTV	6	15	TEXARKANA	TX
KAUZTV	6	22	WICHITA FALLS	TX
KBCJ	6	None	VERNAL	UT
WTVRTV	6	25	RICHMOND	VA
KHQT	6	15	SPOKANE	WA
WITI	6	33	MILWAUKEE	WI
KBJRTV	6	19	SUPERIOR	WI
<u>WVVA</u>	<u>6</u>	<u>46</u>	<u>BLUEFIELD</u>	<u>WV</u>

[Note: Boldface indicates the NTSC Ch. 6 station has a DTV allotment outside the core]

Total NTSC Ch. 6 stations - 59

Total NTSC Ch. 6 stations with DTV Allotment outside the core - 12

AUTHORIZED LPTV NTSC CH 6 STATIONS

Call	Status	Channel	City	State
KZND-LP	LIC	6	ANCHORAGE	AK
K06LG	LIC	6	CHUATHBALUK	AK
K06LP	LIC	6	CIRCLE HOT	AK
K06LK	LIC	6	CLARKS POINT,	AK
K06LA	LIC	6	HEALY, ETC.	AK
K06MF	LIC	6	KENAI, ETC.	AK
K06JX	LIC	6	MANLEY HOT	AK
K06JZ	LIC	6	MENDENHALL	AK
W06BH	LIC	6	PHENIX CITY, ETC.	AL
K06DZ	LIC	6	ALPINE	AZ
KZZA-LP	LIC	6	FLAGSTAFF/DONEY	AZ
K06AP	LIC	6	GREER	AZ
K06AE	LIC	6	PRESCOTT	AZ
K06FB	LIC	6	QUARTZSITE	AZ
K06BX	LIC	6	ROUND VALLEY	AZ
K06BO	LIC	6	ST. JOHNS	AZ
K06JL	LIC	6	BAKER	CA
K06GS	LIC	6	BIEBER, ETC.	CA
K06MU	LIC	6	BIG BEAR LAKE	CA
K06ET	LIC	6	BIG BEND, ETC.	CA
K06KA	LIC	6	FORT JONES, ETC.	CA
K06FA	LIC	6	HOPLAND	CA
K06MB	LIC	6	INDIO	CA
K06FR	LIC	6	LAYTONVILLE, ETC.	CA
K06EX	LIC	6	LEWISTON	CA
K06IQ	LIC	6	NEWBERRY SPRINGS	CA
K06DK	LIC	6	POTTER VALLEY	CA
K06GR	LIC	6	WEED	CA
K06GZ	LIC	6	WHITMORE	CA
K06HD	LIC	6	YOSEMITE VILLAGE	CA
K06GP	LIC	6	YREKA	CA
K06DA	LIC	6	ALMA	CO
K06HU	LIC	6	ASPEN	CO
K06AM	LIC	6	CIMARRON	CO
K06KJ	LIC	6	COLLBRAN	CO
K06JF	LIC	6	CORTEZ	CO
K06CI	LIC	6	CRAIG	CO
K06JE	LIC	6	CRIPPLE CREEK	CO
K06KB	LIC	6	DEL NORTE	CO
K06GW	LIC	6	DIVIDE CREEK,	CO
K06JS	LIC	6	EAST ELK CREEK	CO
K06LX	LIC	6	GLENWOOD SPRINGS	CO
K06HN	LIC	6	GUNNISON	CO
K06CE	LIC	6	HAYDEN	CO
K06BI	LIC	6	MANITOU SPRINGS	CO
K06JJ	LIC	6	MEEKER, ETC.	CO
K06GQ	LIC	6	NORWOOD	CO

Figure 2
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K06CH	LIC	6	OAK CREEK, ETC.	CO
K06HZ	LIC	6	PAONIA	CO
K06IX	LIC	6	RANGELY	CO
K06GT	LIC	6	REDCLIFF	CO
K06CK	LIC	6	REDSTONE, ETC.	CO
K06HF	LIC	6	SALIDA, ETC.	CO
K06HW	LIC	6	SOUTHWEST BACA	CO
K06CF	LIC	6	STEAMBOAT SPRINGS	CO
WMLD-LP	LIC	6	HARTFORD	CT
W06BP	LIC	6	NEW HAVEN	CT
WTAM-LP	LIC	6	TAMPA	FL
W06AE	LIC	6	CLAYTON, ETC.	GA
W06BD	LIC	6	PRINCETON	IN
KTMJ-LP	LIC	6	JUNCTION CITY	KS
K06LZ	LIC	6	SALINA	KS
W06AY	LIC	6	LEBANON	KY
W06BC	LIC	6	MOUNT STERLING	KY
K06KI	LIC	6	ASHLAND, ETC.	MT
K06AA	LIC	6	BROADUS, ETC.	MT
K06EB	LIC	6	BRUSETT, ETC.	MT
K06KY	LIC	6	CIRCLE, ETC.	MT
K06IL	LIC	6	CONRAD	MT
K06FN	LIC	6	DELL	MT
K06BG	LIC	6	FARGO, ETC.	MT
K06EL	LIC	6	FERNDAL, ETC.	MT
K06MQ	LIC	6	FINLEY POINT,	MT
K06JU	LIC	6	HOWARD	MT
K06FE	LIC	6	MILES CITY	MT
K06KX	LIC	6	ROUNDUP	MT
K06FU	LIC	6	RYEGATE	MT
K06FI	LIC	6	SACO, ETC.	MT
K06LF	LIC	6	WINNETT	MT
K06AV	LIC	6	WOLF POINT	MT
W06AQ	LIC	6	BAT CAVE, ETC.	NC
W06AJ	LIC	6	FRANKLIN, ETC.	NC
W06AP	LIC	6	MAGGIE VALLEY,	NC
W06AI	LIC	6	MARION	NC
W06AL	LIC	6	OTTEEN, ETC.	NC
W06AN	LIC	6	SAPPHIRE	NC
W06AD	LIC	6	SPRUCE PINE	NC
K06EY	LIC	6	BROKEN BOW	NE
K06JC	LIC	6	CHADRON	NE
K06KR	LIC	6	CRAWFORD	NE
K06GM	LIC	6	VERDIGRE	NE
K06ME	LIC	6	ABIQUIU	NM
K06KL	LIC	6	AMALIA	NM
K06MS	LIC	6	BLACK LAKE	NM
K06JB	LIC	6	CONCHAS DAM, ETC.	NM
K06IS	LIC	6	GALLUP	NM
K06CU	LIC	6	GRANTS, ETC.	NM
K06DX	LIC	6	HILLSBORO	NM
K06ED	LIC	6	LAS VEGAS	NM

Figure 2
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K06EV	LIC	6	MESCALERO	NM
K06HX	LIC	6	MORA	NM
K06EF	LIC	6	ORGAN	NM
K06FT	LIC	6	PENASCO	NM
K06KP	LIC	6	QUEMADO	NM
K06DB	LIC	6	RATON, ETC.	NM
K06FZ	LIC	6	RED RIVER	NM
K06EM	LIC	6	ROY	NM
K06AW	LIC	6	SAN LORENZO, ETC.	NM
K06MG	LIC	6	SAN MATEO	NM
K06EH	LIC	6	SILVER CITY	NM
K06LE	LIC	6	TAOS	NM
K06FV	LIC	6	VERMEJO PARK	NM
K06BN	LIC	6	WAGON MOUND	NM
K06KD	LIC	6	AUSTIN	NV
K06MH	LIC	6	BEATTY	NV
K06FQ	LIC	6	COOPER CANYON,	NV
K06JK	LIC	6	DAYTON	NV
K06KM	LIC	6	DUCKWATER, ETC.	NV
K06MK	LIC	6	ELKO	NV
K06HT	LIC	6	ELY	NV
K06KE	LIC	6	INDIAN SPRINGS	NV
K06KQ	LIC	6	MANHATTAN	NV
K06IT	LIC	6	MERCURY, ETC.	NV
K06IU	LIC	6	MERCURY, ETC.	NV
K06CT	LIC	6	OROVADA	NV
K06DM	LIC	6	PANACA	NV
K06GB	LIC	6	VERDI	NV
K06KC	LIC	6	YERINGTON	NV
W06BT	LIC	6	GREECE/ROCHESTER	NY
W06AR	LIC	6	HORNELL	NY
K06LI	LIC	6	CHEMULT	OR
K06LS	LIC	6	CHILOQUIN	OR
K06HV	LIC	6	ELKTON	OR
K06AB	LIC	6	LONG CREEK	OR
K06ER	LIC	6	AXBOW	OR
K06BP	LIC	6	PAISLEY, ETC.	OR
K06IO	LIC	6	SCOTTSBURG	OR
K06JN	LIC	6	SEVERANCE RANCH,	OR
K06HG	LIC	6	PINE RIDGE	SD
W06BG	LIC	6	CHATTANOOGA, ETC.	TN
W06AW	CP	6	SELMER	TN
K06MY	CP	6	RIO GRANDE	TX
K06MM	LIC	6	BLUFF	UT
K06JA	LIC	6	CEDAR CANYON	UT
K06MT	LIC	6	DUCHESNE	UT
K06FL	LIC	6	FISH LAKE RESORT	UT
K06IM	LIC	6	HENEFER, ETC.	UT
K06KO	LIC	6	KANARRAVILLE,	UT
K06IG	LIC	6	KOOSHAREM	UT
K06IE	LIC	6	LEAMINGTON	UT
K06BS	LIC	6	LOA, ETC.	UT

Figure 2
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K06FM	LIC	6	LONG VALLEY	UT
K06CQ	LIC	6	MODENA	UT
K06BQ	LIC	6	RICHFIELD, ETC.	UT
K06DY	LIC	6	ROOSEVELT, ETC.	UT
K06DH	LIC	6	SCIPIO,HOLDEN	UT
K06DR	LIC	6	SPRING GLEN, ETC.	UT
K06JH	LIC	6	WANSHIP	UT
K06JR	LIC	6	OROVILLE	WA
W06BU	CP	6	WHITING	WI
K06KH	LIC	6	CASPER	WY
K06KT	LIC	6	CLARKS FORK, ETC.	WY
K06BR	LIC	6	ENCAMPMENT	WY
K06JM	LIC	6	GILLETTE	WY
K06GI	LIC	6	HULETT	WY
K06FD	LIC	6	LA BARGE, ETC.	WY
K06KW	LIC	6	MANDERSON, ETC.	WY
K06LU	LIC	6	ROCK RIVER	WY
K06AT	LIC	6	SHERIDAN, ETC.	WY
K06KS	LIC	6	SOUTH FORK, ETC.	WY
K06DJ	LIC	6	WOOD RIVER, ETC.	WY
<u>K06AD</u>	<u>LIC</u>	<u>6</u>	<u>YELLOWSTONE</u>	<u>WY</u>

Total LPTV NTSC Ch. 6 stations - 172